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**IN THE UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: PORTFOLIO RECOVERY  
ASSOCIATES, LLC, TELEPHONE  
CONSUMER PROTECTION ACT  
LITIGATION

Case No. 3:11-MD-02295- JAH (BGS)

Hon. John A. Houston  
Hon. Bernard G. Skomal

THIS DOCUMENT RELATES TO:  
No. 3:17-cv-00383-JAH-BGS (*Smith*)

ORDER OF DISMISSAL OF *SMITH*,  
*MIKE* MEMBER CASE WITH  
PREJUDICE

This cause is before the Court on the Joint Motion and Stipulation of Dismissal with Prejudice, filed by Plaintiff Mike Smith and Defendant Portfolio Recovery Associates, LLC, regarding said parties’ stipulation to dismiss the member case *Smith v. Portfolio Recovery Associates, LLC*, 3:17-cv-00383-JAH-BGS (“the *Smith* action”), with prejudice and with each party to bear its own costs and attorneys’ fees.

1 On proof made to the satisfaction of the Court, and based on the parties' stipulation,  
2 the Court finds that the *Smith* action must be dismissed with prejudice and with each  
3 party to bear its own costs and attorneys' fees.


4 Based on the foregoing:

5 **IT IS ORDERED:**

6 1. All claims and counterclaims that were or might have been asserted in  
7 the *Smith* action are dismissed, pursuant to the parties' settlement agreement and to  
8 Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with prejudice and with each party to  
9 bear its own costs and attorneys' fees.

10 2. The Clerk of this Court shall transmit a copy of this Order to the Clerk  
11 of the United States Judicial Panel on Multidistrict Litigation. *See* J.P.M.L. Rule 10.1  
12 ("Where the transferee district court terminates an action by valid order, including but  
13 not limited to summary judgment, judgment of dismissal and judgment upon  
14 stipulation, the transferee district court clerk shall transmit a copy of that order to the  
15 Clerk of the Panel."). The *Smith* action shall not be remanded to the transferor court,  
16 and this Court shall retain the original files and records, unless the transferee judge or  
17 the Panel directs otherwise. *Id.*

18  
19 DATED: February 28, 2020

  
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Hon. John A. Houston